

# Bolivia

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## Freedom of the Press

Although the Bolivian media are still pluralistic, in 2013 the administration of President Evo Morales used legal, political, and economic means to place further pressure on the remaining independent outlets.

Bolivia's 2009 constitution protects freedom of speech and of the press, but it also allows for some limitations. While Article 21 lays out an expansive right to communicate freely, Article 107 imposes a duty to communicate with "truth and responsibility." Article 107 also clears the way for content-based restrictions by stipulating that the media must contribute to the promotion of the ethical, moral, and civic values of the nation's multiple cultures. An electoral law enacted in 2010 also curtails press freedom. Article 82 of the law restricts coverage of judicial elections, forbidding the publication or broadcasting of any information about the candidates that is not released by the electoral authorities. Defamation remains a criminal offense. However, in October 2012, the Constitutional Tribunal struck down Article 162 of the penal code, which criminalized libel of public officials. Though the scope and overall effect of the ruling remain unclear, no major defamation cases were filed in 2013.

The Law against Racism and All Forms of Discrimination, which falls under the penal code, attempts to address degrading portrayals of indigenous people in the media and their limited access to media outlets. The law grants authorities the power to fine or shut down news outlets and arrest journalists for published material that is deemed to be racist. Media organizations can face sanctions even if a supposedly racist remark is uttered by a source or interviewee and does not reflect the position of the media organization. By applying the penal code to journalists, the law also seeks to do away with journalists' right to appeal to self-regulating press bodies, as called for in the country's press law. In 2012, Morales's government used the law to file charges against three outlets: the news agency Fides (ANF) and the newspapers *El Diario* and *Página Siete*. The government alleged that they had distorted the president's words in a speech blaming hunger in eastern Bolivia on lazy people. The case remained open at the end of 2013.

Local and international press groups criticized certain aspects of the proposed Law of Transparency and Access to Public Information, which the legislature passed in August 2013. The provisions allow government entities themselves to determine whether specific information should be classified, leading press groups to warn that the legislation could ultimately limit access to public information. The bill had not been signed into law at year's end. Currently, the Ministry of Institutional Transparency and the Fight against Corruption is responsible for the implementation and execution of the National Policy on Transparency for all national government entities. However, officials of the National Press Association (ANP) have noted that the ministry "does not fulfill its role" and instead complicates access to information for journalists. Exacerbating the problem is the lack of a requirement for the government to archive official documents.

The country's regulatory framework is increasingly being used to limit media freedom. A 2011 telecommunications law established rules for the distribution of television and radio frequencies, the broadcasting of presidential messages, and wiretapping in certain extreme cases. The law allots 33 percent of the frequencies to the government, 33 percent to the private sector, 17 percent to social and community-based groups, and 17 percent to "peasant and indigenous groups." It also stipulates that presidential addresses must be broadcast free of charge, twice a year, on national television. Local journalist advocacy organizations have denounced the rules, claiming that they are crippling Bolivians'

freedom of expression and information. In addition, the 2011 law called for a 30 percent increase in the number of FM radio stations in the capital cities, which press groups argue will create space for new stations favorable to the government and impose new burdens on existing stations, many of which must change their frequencies to make way for the new outlets. The deadline to apply for the new frequencies was in March 2013. Separately, in April the ANP criticized a life insurance law for media workers that was promulgated in December 2012—paid for by a 1 percent tax on public and private media companies' advertising revenue—as yet another method of imposing government control over independent media. The insurance fund is administered by the government, and press groups warn that inadequate representation of media outlets on the administering council could result in the state directing the money to other purposes.

Journalists work in a polarized political environment, with strong rivalries between pro- and antigovernment outlets and sporadic threats against government critics by elected officials. Government officials regularly use negative rhetoric against the news media, particularly against commentators who are critical of the president's policies. According to the ANP, officials or progovernment groups were responsible for at least 15 verbal and physical attacks against media outlets and journalists during 2013. In a case that drew condemnation from both local and international press groups, the government stepped up its attacks on the independent newspaper *Página Siete*, which had run numerous articles criticizing corruption and other governmental shortcomings. In August, Morales and three of his ministers accused the paper of showing a pro-Chilean bias in its coverage of a long-standing territorial dispute between the two countries. Later in the month, the newspaper erroneously reported that four government ministers had been excommunicated from the Roman Catholic Church, prompting the resignation of Raúl Peñaranda, the paper's editor and the government's main target. Separately, in November, the Inter American Press Association (IAPA) denounced the government's continuing efforts to intimidate Marianela Montenegro, a journalist and television station owner in Cochabamba. Montenegro claimed that her criticisms of the government had led to sanctions including the withdrawal of state advertising, a series of criminal cases, and equipment confiscation. Opposition journalists often engage in self-censorship to avoid being persecuted or harassed by the authorities or government supporters. In February 2012, almost 47 percent of the journalists surveyed in an ANP poll admitted practicing some form of self-censorship.

Other attacks in 2013 included a February assault on a correspondent for the Santa Cruz newspaper *El Día* by a group of unidentified assailants, and a May incident in which protesters against the local government in the town of Caranavi destroyed the community radio station *La Voz de la Mayoría*, threatening two journalists in the process. In addition, press groups expressed concern about the lack of progress in investigating a brutal October 2012 attack on Radio Popular, a local station in Yacuiba, in which four intruders poured gasoline on the station manager, Fernando Vidal, and then set him on fire during a live broadcast. Vidal had recently reported on alleged corruption among local customs agents. Several suspects were arrested in late 2012 and early 2013, but one was subsequently released, and little additional progress occurred during the year.

Newspaper readership is limited due to low literacy rates, and radio is often the principal news medium, with community radio stations playing a major role. In addition to the state-owned television station, the government operates a news agency, a weekly newspaper, and a growing network of community radio stations. A substantial proportion of Bolivia's television stations and eight national and numerous local newspapers are privately owned, but many owners are tied to political parties or the government, and state influence has increased in recent years. Private media ownership is highly concentrated. The government news agency, the Bolivian Information Agency, provides a free news service via the internet to both public and private channels nationwide. Internet penetration is limited but expanding, with nearly 40 percent of Bolivians accessing the medium in 2013.

Civil society groups have expressed concern over the significant expansion of state-run channels and the

conversion of all public media into vehicles for government influence. In 2013, the government ratcheted up economic pressure on the few remaining independent media outlets. A new law against human trafficking, passed in February, requires media outlets to transmit governmental notices intended to inform the population about the issue. Press groups complained that the rule, like some other legislation, compels outlets to provide substantial space to government messages, damaging the finances of independent media.

Press groups also describe a pattern of government manipulation of the state advertising budget to punish critical outlets and reward friendly ones. In the southern department of Tarija, for instance, the local government in 2013 adopted a policy that openly denies public advertising to critical outlets. The authorities also stepped up tax enforcement against private media companies, with inspectors conducting visits to independent outlets to investigate suspected violations. One such inspection at *El Diario* in June led to the confiscation of assets. Press groups complained that these enforcement actions were politically motivated.

## **2014 Scores**

### **Press Status**

Partly Free

### **Press Freedom Score**

**(0 = best, 100 = worst)**

48

### **Legal Environment**

**(0 = best, 30 = worst)**

14

### **Political Environment**

**(0 = best, 40 = worst)**

22

### **Economic Environment**

**(0 = best, 30 = worst)**

12